

#25 P AC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**

SEP 22 2004

**OFFICE OF PETITIONS**

Applicant:	Clifford A. Harrison	)	
		)	
Serial No.:	08/919,450	)	Examiner: Nguyen, Cuong H.
		)	
Filed:	08/27/1997	)	Group Art Unit: 3625
		)	
Title:	SYSTEM AND METHOD	)	Docket No.: 10547.15US1
	FOR COMPUTER-AIDED	)	
	TECHNICIAN DISPATCH	)	
	AND COMMUNICATION	)	

**REQUEST TO RECONSIDER THE  
PETITION UNDER 37 CFR 1.47  
AND DECLARATION OF FACTS IN SUPPORT THEREOF**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: **NANCY JOHNSON**  
**SENIOR PETITIONS ATTORNEY**

Dear Sir:

In accordance with 37 CFR 1.47 it is respectfully petitioned that the Office waive the requirement for a statement under 37 CFR 1.48(a)(2) from the missing, non-signing inventor Mr. Harrison that supports the addition of Mr. Bush and Mr. Weber as inventors.

-----  
Certificate of Mailing: The undersigned hereby certifies that this document and its enclosures are being deposited with the United States Postal Service as first class mail, postage prepaid in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15<sup>th</sup> day of September, 2004.

By:   
Name: Ranni Matar

A copy of the previous petition decision and papers previously filed in connection with the petition and amendment to correct inventorship are enclosed herewith. Also enclosed herewith is a declaration and statement from Mr. Weber which was found using the information provided in the previous petition decision.

The undersigned hereby declares that a diligent effort has been made to contact Mr. Clifford Harrison. This effort included the step of sending mail to Mr. Harrison at his last known mailing address of 240 Kearney Street, Denver Colorado 80220 as well as the mailing address of 7100 Evans Avenue, Denver Colorado 80224, the latter address being provided in the decision to the previously filed petition and uncovered using Internet searching technology. While a receipt was returned from the letter addressed to Mr. Harrison at 240 Kearney Street, Denver Colorado 80220 indicating that an "agent" received the letter, the materials enclosed in the letter were not returned to my attention. The mail addressed to Mr. Harrison at 7100 Evans Avenue, Denver Colorado 80224 was returned unopened and without signature.

Efforts were also made to try and contact Mr. Harrison by phone using a search from whitepages.com as well as using a search from EZFIND made available at lexis.com. The EZFIND search provided the phone number of (303) 333-5143 which was previously known as the phone number of Mr. Harrison. A phone call to this number uncovered that Mr. Harrison cannot be contacted at (303) 333-5143. In this regard, a search of phonenumbers.com illustrates that this phone number no longer belongs to Mr. Harrison.

An effort was also made to contact Mr. Harrison at his last known email address of "charrison@onebox.com." Again, this effort proved unsuccessful.

The undersigned declares that he was not able to obtain a forwarding mail address, phone number, or email address for Mr. Harrison during the performance of these steps. Furthermore, the undersigned declares that a search on the Internet failed to provide any information concerning the present whereabouts of Mr. Harrison. Therefore, despite the performance of these steps, as evidenced by the attached computer printouts, return receipts, and letter sent, the undersigned declares that Mr. Harrison cannot be found or reached to secure his signature on the accompanying Declaration or the statement under 37 CFR 1.48(a)(2).

The signing of the Declaration by Mr. Bush and Mr. Weber with the signature block of the non-signing inventor left blank is to be treated as having been signed by Mr. Bush and Mr. Weber on behalf of Mr. Harrison.

The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, and any patent to which this declaration is directed.

A check for the fees was previously submitted.

The Commissioner is Authorized to charge any fee deficiency or credit  
overpayment to deposit account number 50-2428.

Respectfully submitted,

Date: September 15, 2004

By: 

Gary R. Jarsik, Reg. No. 35,906  
Greenberg Traurig, LLP  
77 W. Wacker Drive - Suite 2500  
Chicago, Illinois 60601  
(312) 456-8400

chi-srv01\229839v02



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		A. Signature X <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Clifford Harrison</i> <i>7100 Evans Avenue</i> <i>Denver CO 80224-</i> <i>2450</i>		B. Received by (Printed Name) <i>C. Peck</i>	C. Date of Delivery <i>8-30-04</i>
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <b>AUG 30 2004</b>	
		Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) <i>7001 2510 0005 4662 2760</i>			
PS Form 3811, August 2001		Domestic Return Receipt 102595-01-M-2509	

UNITED STATES POSTAL SERVICE

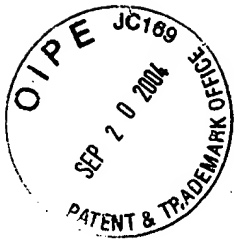


First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

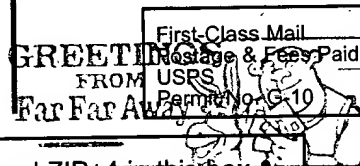
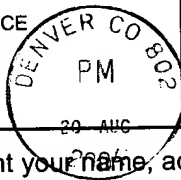
Mr. Gary Jarosik  
GREENBERG TRAURIG LLP  
77 West Wacker Drive  
Suite 2500  
Chicago, IL 60601-1732





SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature X <i>C. Harrison</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to: <i>Clifford Harrison 240 Kearney St. Denver CO 80220</i>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) <i>7001 2510 005 4662 2777</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2506			

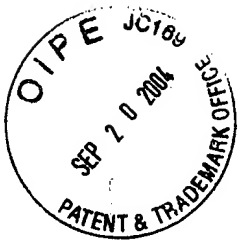
UNITED STATES POSTAL SERVICE



• Sender: Please print your name, address, and ZIP+4 in this box

Mr. Gary Jarosik  
GREENBERG TRAURIG LLP  
77 West Wacker Drive  
Suite 2500  
Chicago, IL 60601-1732





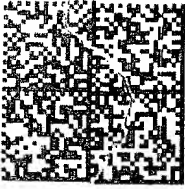
**CERTIFIED MAIL**



7001 2510 0005 4662 2760

**GREENBERG  
TRAUBIG**  
ATTORNEYS AT LAW

GREENBERG TRAUBIG, LLP  
77 WEST WACKER DRIVE, SUITE 2500  
CHICAGO, ILLINOIS 60601



Hasler

012H16202475

\$04.420

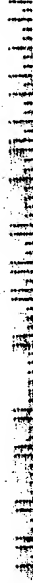
08/17/2004

Mailed From 60606

US POSTAGE

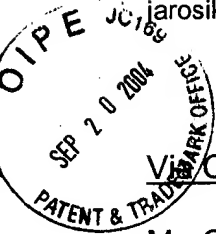


ANX Mr. Clifford A. Harrison  
7100 Evans Avenue  
Denver, CO 80224-2450



# Greenberg Traurig

GARY R. JAROSIK  
(312) 456-8449  
jarosikg@gtlaw.com



August 17, 2004

Via Certified Mail

Mr. Clifford A. Harrison  
at 7100 Evans Avenue  
Denver, CO 80224-2450  
and  
at 240 Kearney Street  
Denver, CO 80220-5987

Re: **U.S. Patent Application No.: 08/910,450**  
**Title: SYSTEM AND METHOD FOR COMPUTER-AIDED TECHNICIAN**  
**DISPATCH AND COMMUNICATION**  
**Our File No.: 10547.15US1**

Dear Mr. Harrsion:

As you are aware, we are in the process of correcting the inventorship of the above-referenced patent application to add Mr. Phillip Bush and Mr. Emery Weber as inventors.

In order to complete this process we need to file another Declaration and Power of Attorney with the signature of all of the inventors.

Enclosed is the new Declaration. We would appreciate it if you could please sign and return this Declaration to us at your earliest convenience in the enclosed pre-addressed envelope.

Your assistance regarding this matter is appreciated. Please contact me if you have any questions.

Very truly yours,

Gary R. Jarosik

GNM  
Enclosures

chi-srv01\217746v02

ALBANY  
AMSTERDAM  
ATLANTA  
BOCA RATON  
BOSTON  
CHICAGO  
DALLAS  
DENVER  
FORT LAUDERDALE  
LOS ANGELES  
MIAMI  
NEW JERSEY  
NEW YORK  
ORANGE COUNTY, CA  
ORLANDO  
PHILADELPHIA  
PHOENIX  
SILICON VALLEY  
TALLAHASSEE  
TYSONS CORNER  
WASHINGTON, D.C.  
WEST PALM BEACH  
WILMINGTON  
ZURICH

www.gtlaw.com







The First Name in Directory Assistance



**Try My WhitePages!** Please Login or Register Now for

[FIND A PERSON](#)   [FIND A BUSINESS](#)   [REVERSE PHONE](#)   [REVERSE ADDRESS](#)   [AREA & ZIP CODES](#)   [B](#)

## Your search returned no results.

Please verify your information was entered correctly. Your search could be too specific. Try again with a broader range of search information. Please note that unlisted and cellular numbers are not available through our site.

### Search Suggestions

- [Harrison, C, 80220](#)
- [Harrison, C, CO](#)
- [Harrison, C, U.S.](#)

ADVERTISEMENT

#### Clifford Harrison Current Address and Phone Number Found.

powered by [People Finders](#)

Instantly find the most current address, phone number for Clifford Harrison. Background Check available. FREE preview. No Hit - No Fee.

First:  State:

Last:

#### Clifford Harrison Unpublished Information Found

[Clifford Harrison Name, Address, Phone Number Found - Free Preview!](#)

[Clifford Harrison Current Phone Number and Address Info Available. Click Here!](#)

### Find a Person

First Name ☒ Begins with

Last Name\* ☐ Begins with

City, ZIP or Postal Code

State or Province

- » [Automate repetitive searching](#)
- » [Build mailing lists online](#)

\* required

### ? Search Hints & Options

- Check the spelling for first and last names, as well as the city. Please note, this search includes residents of the United States and Canada only.
- Try a "wider" search by entering less information, like only a last name and state. Searches can also be performed by first initial or common nicknames. Using only a first initial is very effective, decreasing chances of spelling variations or errors.
- Try using the "Begins with" option for first or last names.

**Advanced  
People  
Search**

**FREE  
moving quote**

**Allstate**   
Personal Auto & Home Insurance Specialist  
 of the 2004 U.S. Olympic Team

**FREE COUPONS  
FREE SAMPLES**



[About My WhitePages](#)



[Bookmark WhitePages.com!](#)



[Tell Friends about WhitePages.com](#)

[| HOME |](#) [FAQ |](#) [ABOUT US |](#) [ADVERTISING |](#) [AFFILIATE PROGRAM |](#) [NEWSLETTERS |](#) [SEND FEEDBACK |](#) [SITE MAP |](#)



Copyright © 1996-2004 WhitePages.com. All rights reserved.

[Privacy Policy](#), [Legal Notice](#) and [Terms](#) under which this service is provided to you.

[| PEOPLE SEARCH |](#) [AREA CODES |](#) [ZIP CODES & POSTAL CODES |](#) [PHONE APPENDING |](#) [SALES LEADS |](#) [MARKETING |](#)



The First Name in Directory Assistance



The fast, easy way  
for employers to  
find great local talent.

Post A Job  
CLICK HERE TO FIND OUT MORE

Try My WhitePages! Please Login or Register Now for more

FIND A PERSON FIND A BUSINESS REVERSE PHONE REVERSE ADDRESS AREA & ZIP CODES BU

## Your search returned no results.

Please verify your information was entered correctly. Your search could be too specific. Try again with a broader range of search information. Please note that unlisted and cellular numbers are not available through our site.

### Search Suggestions

- [Harrison, C, Denver, CO](#)
- [Harrison, C, CO](#)
- [Harrison, C, U.S.](#)

ADVERTISEMENT

### Clifford Harrison Current Address and Phone Number Found.

powered by [People Finders](#)

Instantly find the most current address, phone number for Clifford Harrison. Background Check available. FREE preview.  
No Hit - No Fee.

First:  State:   
Last:

### Clifford Harrison Unpublished Information Found

Clifford Harrison Name, Address, Phone Number Found - Free Preview!

Clifford Harrison Current Phone Number and Address Info Available. Click Here!

### Find a Person

First Name ☒ Begins with

Last Name\* ☐ Begins with

City, ZIP or Postal Code

State or Province



» [Automate repetitive searching](#)

» [Build mailing lists online](#)

\* required

### ? Search Hints & Options

- Check the spelling for first and last names, as well as the city. Please note, this search includes residents of the United States and Canada only.
- Try a "wider" search by entering less information, like only a last name and state. Searches can also be performed by first initial or common nicknames. Using only a first initial is very effective, decreasing chances of spelling variations or errors.
- Try using the "Begins with" option for first or last names.





[About My  
WhitePages](#)



[Bookmark  
WhitePages.com!](#)



[Tell Friends about  
WhitePages.com](#)

[| HOME](#) | [FAQ](#) | [ABOUT US](#) | [ADVERTISING](#) | [AFFILIATE PROGRAM](#) | [NEWSLETTERS](#) | [SEND FEEDBACK](#) | [SITE MAP](#) |



Copyright © 1996-2004 WhitePages.com. All rights reserved.

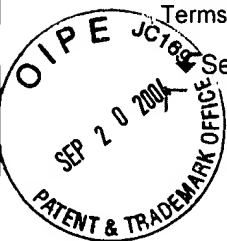
[Privacy Policy](#), [Legal Notice](#) and [Terms](#) under which this service is provided to you.

[| PEOPLE SEARCH](#) | [AREA CODES](#) | [ZIP CODES & POSTAL CODES](#) | [PHONE APPENDING](#) | [SALES LEADS](#) | [MARKETING](#)

Source: [Public Records](#) > [People, Business & Asset Locators](#) > [EZFIND Combined Person Locator Nationwide](#) 

Terms: [clifford w/3 harrison and city \(denver\)](#) ([Edit Search](#))

Select for FOCUS™ or Delivery



*HARRISON, CLIFFORD A (MALE)*

**THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY**

PERSON LOCATOR - P-SEEK

**Name:** HARRISON, CLIFFORD A (MALE)

**Spouse Name:** GAIL

**Social Security Number:** 014-38-XXXX

**Consumer Name Last Updated:** 5/8/2000

**Address:**

240 KEARNEY ST

**DENVER**, CO 80220-5987

Address Type: SINGLE FAMILY

Address Created: 11/7/1997

Address Updated: 7/8/2000

**Previous Addresses:**

701 GRAPE ST

**DENVER**, CO 80220-5219

Address Type: SINGLE FAMILY

Address Created: 11/1/1985


Address Updated: 2/24/1998

**Birthdate:** 1956

**Telephone:** (303) 333-5143

**On File Since:** 11/1/1985

**Date Vendor Record Last Updated:** 5/8/2000

Source: [Public Records](#) > [People, Business & Asset Locators](#) > [EZFIND Combined Person Locator Nationwide](#) 

Terms: [clifford w/3 harrison and city \(denver\)](#) ([Edit Search](#))

View: Full

Date/Time: Thursday, September 2, 2004 - 3:46 PM EDT

Copyright © 2004 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.



[Terms & Conditions](#)

[Search](#) | [Help](#) | [Login](#)

## Search Results

[<< Search Again](#)

People

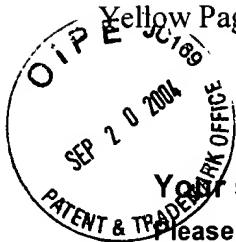
Search criteria: **CLIFFORD HARRISON** in **CO**

**19 Matches Found**

	Full Name	Address	City	State	Age	Birth Date	Phone
1.	<a href="#"><u>HARRISON, CLIFFORD S</u></a>	Available	ENGLEWOOD	CO			<a href="#">View De</a>
2.	<a href="#"><u>HARRISON, CLIFFORD R</u></a>	Available	DENVER	CO	60	Available	<a href="#">View De</a>
3.	<a href="#"><u>HARRISON, CLIFFORD R</u></a>	Available	DENVER	CO			<a href="#">View De</a>
4.	<a href="#"><u>HARRISON, CLIFFORD J</u></a>	Available	CASTLE ROCK	CO	79	Available	Available <a href="#">View De</a>
5.	<a href="#"><u>HARRISON, CLIFFORD J</u></a>	Available	DENVER	CO	79	Available	<a href="#">View De</a>
6.	<a href="#"><u>HARRISON, CLIFFORD J</u></a>	Available	ELBERT	CO	79	Available	Available <a href="#">View De</a>
7.	<a href="#"><u>HARRISON, CLIFFORD J</u></a>	Available	PARKER	CO	79	Available	Available <a href="#">View De</a>
8.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	Available <a href="#">View De</a>
9.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	<a href="#">View De</a>
10.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	Available <a href="#">View De</a>
11.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	Available <a href="#">View De</a>
12.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	Available <a href="#">View De</a>
13.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	Available <a href="#">View De</a>
14.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	<a href="#">View De</a>
15.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO	48	Available	<a href="#">View De</a>
16.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO			Available <a href="#">View De</a>
17.	<a href="#"><u>HARRISON, CLIFFORD A</u></a>	Available	DENVER	CO			Available <a href="#">View De</a>
18.	<a href="#"><u>HARRISON, CLIFFORD</u></a>	Available	DENVER	CO			<a href="#">View De</a>
19.	<a href="#"><u>HARRISON, CLIFFORD</u></a>	Available	DENVER	CO			<a href="#">View De</a>

©2004 Peoplefinders.com (www 3 resources)





## Your search returned no results.

Please verify your information was entered correctly. Your search could be too specific. Try again with a broader range of search information.

### Search Suggestions

- [Harrison, C, CO](#)
- [Harrison, C, U.S.](#)
- [Harr, C, CO](#)

### ADVERTISEMENT

#### Can't Find Them in the White Pages?

powered by [USSearch.com](#)

The leader in public information since 1994.

Find Current & previous addresses, background info and more!

First:  Last:

Street:  City:

State:  ZIP:

[Clifford Harrison Unpublished Information Found](#)

[Clifford Harrison Name, Address, Phone Number Found - Free Preview!](#)

[Clifford Harrison Current Phone Number and Address Info Available. Click Here!](#)

[Find Person](#) | [Reverse Phone](#) | [Reverse Address](#) | [Area & ZIP Code](#)

### Find a Person

First Name ☒ Begins with

Last Name\* ☐ Begins with

City or ZIP Code

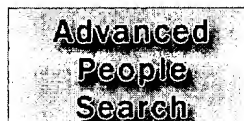
State or Province

» [Find people in bulk – ¢ a hit](#)

\* required

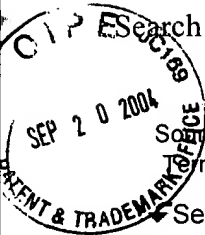
### Search Hints & Options

- Check the spelling for first and last names, as well as the city. Please note, this search includes residents of the United States and Canada only.
- Try a "wider" search by entering less information, like only a last name and state. Searches can also be performed by first initial or common nicknames. Using only a first initial is very effective, decreasing chances of spelling variations or errors.
- Try using the "Begins with" option for first or last names.



©1996-2004 WhitePages.com. All rights reserved.

Powered by  
WhitePages.com



Source: [Public Records > People, Business & Asset Locators > EZFIND Combined Person Locator Nationwide](#) ⓘ

Terms: [clifford w/3 harrison and city \(denver\)](#) ([Edit Search](#))

Select for FOCUS™ or Delivery

- ☐ 1. [EVANS, CLIFFORD G](#), 585-57-XXXX, 2724 LAFAYETTE STREET, DENVER, CO 80205-4449, P-TRAK
- ☐ 2. [HARRISON, CLIFFORD R \(MALE\)](#), 449-72-XXXX, 2675 W BATES AVE, DENVER, CO 80236-2812, 1944, PERSON LOCATOR - P-SEEK
- ☐ 3. [HARRISON, CLIFFORD A \(MALE\)](#), 014-38-XXXX, 240 KEARNEY ST, DENVER, CO 80220-5987, 1956, PERSON LOCATOR - P-SEEK
- ☐ 4. [HARRISON, CLIFFORD A](#), 014-38-XXXX, 240 KEARNEY ST, DENVER, CO 80220, 1956, PERSON LOCATOR - P-SRCH
- ☐ 5. [HARRISON, CLIFFORD A \(MALE\)](#), 240 KEARNEY ST, DENVER, CO 80220-5987, 4/1956, PERSON LOCATOR - P-FIND
- ☐ 6. [HARRISON, CLIFFORD R \(MALE\)](#), 2675 W BATES AVE, DENVER, CO 80236-2812, 1944, PERSON LOCATOR - P-FIND
- ☐ 7. [HARRISON, CLIFFORD A](#), 014-38-XXXX, 240 KEARNEY STREET, DENVER, CO 80220-5987, 4/1956, P-TRAK
- ☐ 8. [HARRISON, CLIFFORD R \(MALE\)](#), 2675 W BATES AVE, DENVER, CO 80236-2812, 1944, PERSON LOCATOR - P-CNSR
- ☐ 9. [HARRISON, GAIL M \(FEMALE\)](#), 240 KEARNEY ST, DENVER, CO 80220-5987, 1956, PERSON LOCATOR - P-CNSR
- ☐ 10. [HARRISON, CLIFFORD A \(MALE\)](#), 701 GRAPE ST, DENVER, CO 80220-5219, 1956, PERSON LOCATOR - P-CNSR

Source: [Public Records > People, Business & Asset Locators > EZFIND Combined Person Locator Nationwide](#) ⓘ

Terms: [clifford w/3 harrison and city \(denver\)](#) ([Edit Search](#))

View: Cite

Date/Time: Thursday, September 2, 2004 - 3:46 PM EDT

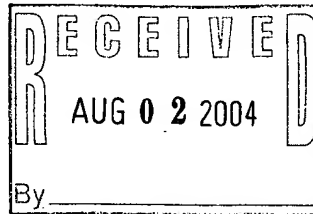
[About LexisNexis](#) | [Terms and Conditions](#)

Copyright © 2004 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov



Paper No. 24

GREENBERG TRAURIG, LLP  
77 WEST WACKER DRIVE  
SUITE 2500  
CHICAGO, IL 60601-1732

10547-15/US/1

COPY MAILED

JUL 27 2004

DOCKETED

AUG 03 2004

OFFICE OF PETITIONS

In re Application of  
Clifford Harrison  
Application No. 08/919,450

Filed: August 28, 1997

Attorney Docket No. 018972.0441

Title: SYSTEM AND METHOD FOR

COMPUTER-AIDED TECHNICIAN DISPATCH

AND COMMUNICATION

*Response to petition action 9/27/04*  
GREENBERG TRAURIG

DECISION DISMISSING  
PETITION UNDER § 1.48(a)  
and § 1.183

This is a decision on the "PETITION UNDER 37 CFR 1.47 AND 37 CFR 1.183 AND DECLARATION OF FACTS IN SUPPORT THEREOF," filed May 14, 2004.

The above-identified application was filed on August 28, 1997. Clifford Harrison was named as sole inventor. On May 14, 2004, the instant request under § 1.48(a) was filed to amend the inventorship to add joint inventors, Emery Weber and Phillip Bush. § 1.48(a) requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- ✓ (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(I); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The petition as filed May 14, 2004 clearly satisfies requirements (1), (4) and (5). The petition specifically requests the addition of Weber and Bush as inventors, and includes a check for the processing fee. Further, petitioner encloses a written consent of assignee, and a 3.73(b) statement.

However, as to requirements (2) and (3), the petition does not include a statement from added inventor Weber and the declaration submitted is not signed by inventors Harrison and Weber.

§ 1.48(a) requires a statement from each inventor being added or deleted that the inventorship error occurred without deceptive intention. The statement need not be a verified statement (see MPEP § 605). On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a request and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). As 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought<sup>1</sup>.

Thus, as to requirements (2) and (3), petitioner's request is being treated as a petition for waiver of the requirements 1) for a statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part and 2) that each of the actual inventors reexecute the declaration. Receipt of the fee (\$390) for such consideration is acknowledged (\$260 check and \$130 charged to Deposit Account No. 50-2428, as authorized<sup>2</sup>).

Unfortunately, petitioner has not met the requirements for waiver. Petitioner has not shown that inventor Weber cannot be reached or found, after diligent efforts, to sign the statement

---

<sup>1</sup> An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.48(a) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.48(a) would also not be required in the prior application that was refiled, since the prior application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120).

<sup>2</sup> See MPEP 201.03. Where waiver under 37 CFR 1.183 is requested in relation to a requirement under 37 CFR 1.48(a), a processing fee under 37 CFR 1.48(a) and a petition fee under 37 CFR 1.183 are required. Similarly, where in addition to a request under 37 CFR 1.48, two petitions under 37 CFR 1.183 are presented, e.g., one requesting waiver of a requirement under 37 CFR 1.48 and the other requesting waiver of the reexecution of an oath or declaration under 37 CFR 1.64, three fees are required (one for the request filed under 37 CFR 1.48 and two for the petitions filed under 37 CFR 1.183).

or to execute the declaration. Nor has petitioner shown that inventor Harrison cannot be found or reached after diligent effort to reexecute the declaration. The attempts shown to locate inventors Emery Weber and Clifford Harrison are not sufficient to show diligent effort. Petitioner has provided copies of Internet search results for the former phone numbers and addresses of the inventors (reverse searches for phone numbers and addresses) and a search by email address. However, there does not appear to be evidence of a search query by inventor name. Nor is there evidence of an attempt to determine the inventors forwarding address from the postal service or through public records, and to send the application papers to such addresses for consideration by the inventors. See MPEP 409.03(d).

In fact, a search of the EZFIND Combined Person Locator Nationwide available at [www.lexis.com](http://www.lexis.com) reveals possible addresses where both inventors Weber and Harrison can be reached. Specifically, the results indicate that a Emery James formerly of 17618 Hoyt Pl, Parker CO 80134-7552, resides at 9400 E. Iliff Avenue 413, Denver CO 80231. Likewise, the results indicate that a Clifford Harrison formerly of 240 Kearney Street, Denver CO 80220-5987, has resided at 7100 Evans Avenue, Denver CO 80224-2450. Accordingly, further efforts are warranted to reach and/or locate the inventors at those addresses.

If further attempts to contact the inventors at the above addresses or to obtain forwarding addresses or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37 CFR 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventors should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of any mailings to the above-addresses and the results of any further E-mail or Internet search.

Of course, if the inventors are located, then a showing of presentation to them of the application papers and their subsequent refusal is required for waiver.

In view thereof, the petition under 37 CFR 1.183 and thus, 1.48(a) must be **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision to be considered timely. 37 CFR 1.181(f).

Further correspondence with respect to this decision should be addressed as follows:

By mail:                      Mail Stop Petition  
                                 Commissioner for Patents  
                                 P.O. Box 1450  
                                 Alexandria, VA 22313-1450

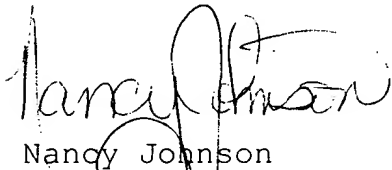
By FAX:                      (703) 872-9306

ATTN: NANCY JOHNSON  
SENIOR PETITIONS ATTORNEY

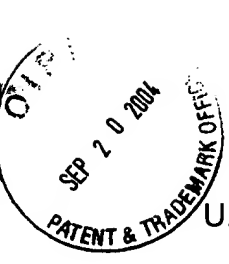
By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room IB03  
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309 (or effective September 28, 2004 at (571) 272-3282).

A handwritten signature in cursive script, appearing to read "Nancy Johnson", is written over a faint, circular official stamp.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



U.S. S/N 08/919,450 .

DOCUMENTS ORIGINALLY SUBMITTED WITH PETITION OF 05/11/04.